

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claim 2 has been canceled and claims 1 and 3-6 have been amended. The cancellation of claim 2 obviates the objection to the drawings and the 35 USC §112, first paragraph, rejection applied to claim 2. Claim 3 has been amended to depend from claim 1 instead of claim 2, thereby obviating the 35 USC §112, first paragraph, rejection applied to claim 3 through the intermediary of claim 2. Claims 5 and 6 have been amended to place them in independent form as method claims, thereby obviating the objections thereto.

Claims 1, 3, and 4 have been amended to place all elements in non-means-plus-function format. Claims 1, 5, and 6 have been amended to recite features disclosed in the specification at least on page 3, lines 1-3, and page 4, lines 19-21. The amendments of claims 1 and 3-6 have been drafted to avoid the issues underlying the 35 USC §112, second paragraph, rejections applied to claims 1-6.

The Applicant will address the non-statutory, obviousness-type double patenting rejections of claims 1-6 when the provisional status of the rejections ceases to exist.

Claim 1 was rejected, under 35 USC §102(b), as being alternatively anticipated by Moore (US 4,514,303), Ichiyanagi et al. (US 5,338,449), Meurer '243 (US 6,245,243), Meurer '306 (US 5,391,306), or Delafosse et al. (FR 2 754 733). Claim 2 was rejected, under 35 USC §102(b), as being alternatively anticipated by Meurer '306 or Delafosse. Claim 3 was rejected, under 35 USC §102(b), as being alternatively anticipated by Moore or Meurer '306. Claim 4 was rejected, under 35 USC §102(b), as being alternatively anticipated by Moore or Meurer '306. Claims 5 and 6 were rejected, under 35 USC §102(b), as being anticipated by Moore. To the extent the rejections may be deemed applicable to amended claims 1 and 3-6, the Applicant respectfully traverses based on the points set forth below.

The Applicant respectfully submits that the applied references all fail to disclose the feature recited in claim 1 of hollow tubular members, which are fastened to lamellar clarifier plates, having inside walls resting on fingers of attaching members, which are attached to walls of a tank, such that the clarifier plates may pivot about the attaching members in a pendular manner. By contrast to the claimed feature, Moore and Ichiyanagi disclose suspending clarifier plates from rods, rather than hollow tubes (see Moore abstract and Ichiyanagi reference character 31). Meurer '243 discloses hollow tubes, which are

fastened to clarifier plates, that are fixedly fastened to support members. Meurer '306 discloses fixing clarifier plates to orientable members, which are not hollow, having hinge pins mounted on a fixed support. Delafosse discloses clarifier plates fastened to rods that are mounted pivotally on a support.

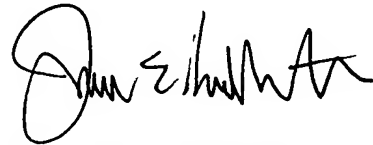
Thus, for at least the above reasons, it is submitted that none of the applied references discloses the claimed feature of hollow tubular members that rest on fingers fastened to the walls of a tank so that the tubular members may pivot about the fingers in a pendular manner. The claimed feature provides the advantage of pendular articulation of the tubular members and their attached clarifier plates with respect to the walls of the tank, so as to reduce friction when pivoting the plates and minimize the weight of the structure used to pivot the plates (see the non-limiting illustrative embodiment discussed at specification page 4, lines 19-21).

Accordingly, the Applicant submits that the applied references do not anticipate the subject matter defined by claim 1. Independent claims 5 and 6 similarly recite the above described feature distinguishing claim 1 from the applied references, although with respect to methods. Therefore, allowance of claims 1, 5, and 6 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



James E. Ledbetter
Registration No. 28,732

Date: July 14, 2006
JEL/DWW/att

Attorney Docket No. L741.04103
STEVENS DAVIS, MILLER & MOSHER, L.L.P.
1615 L Street, N.W., Suite 850
P.O. Box 34387
Washington, D.C. 20043-4387
Telephone: (202) 785-0100
Facsimile: (202) 408-5200